

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHIEF AUTOMOTIVE
TECHNOLOGIES, INC.,

Plaintiff,

v.

TONY RYMER and
JOHN ASTERINO,

Defendants.

8:07CV58

**MEMORANDUM
AND ORDER**

This matter is before the court on its own motion. On February 15, 2007, Plaintiff filed a motion for temporary restraining order and preliminary injunction. (Filing 8.) After a hearing, and on February 23, 2007, the court entered a temporary restraining order. (Filing 17.) On March 8, 2007, this action was transferred from the initially assigned judge to the undersigned, a hearing on the motion for preliminary injunction was cancelled, and plaintiff was advised to contact my chambers to schedule further proceedings. (Filing 19.) Later, on March 12, counsel for plaintiff was specifically directed to contact my chambers to schedule a conference call for the purpose of progressing the motion for temporary restraining order and preliminary injunction. (Filing 22.) On March 14, 2007, I conferred by telephone with counsel for Plaintiff and counsel for defendant Asterino¹, and upon the agreement of counsel, ordered that the temporary restraining order entered on February 23, 2007 would remain in full force and effect until one of the parties requests a hearing on the request for a preliminary injunction. (Filing 24.) Five months have passed, and no party has requested a hearing on the request for a preliminary injunction.

¹Counsel for Plaintiff informed me that she was unaware of the whereabouts of defendant Rymer.

As the parties have not timely sought a hearing on the motion for preliminary injunction, I will deny that portion of filing 8 which constitutes a motion for preliminary injunction. This denial is without prejudice to later reassertion of another motion for preliminary injunction. The temporary restraining order will remain in full force and effect until further order of this court.

IT IS ORDERED that:

1. That portion of filing 8 which constitutes a motion for preliminary injunction is denied, without prejudice to later reassertion of another motion for preliminary injunction; and
2. The temporary restraining order entered on February 23, 2007 shall remain in full force and effect until further order of this court.

August 27, 2007

BY THE COURT:

s/Richard G. Kopf
United States District Judge